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OFFICE OF PETITIONS

In re Application of :
Mark Osterkamp : DECISION ON
Application No. 10/044,408 : PETITION
Filed: January 11, 2002 :
Attorney Docket No. TA-00418 :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b), filed November 13, 2007.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to pay the Issue Fee and Publication Fee within three months of the mailing date, March 9, 2007, of the Notice of Allowance and Fee(s) Due. This Office action set a three-month nonextendable statutory period for reply. No reply having been received, the above-identified application became abandoned on June 10, 2007. A courtesy Notice of Abandonment was mailed on July 6, 2007.

The petition included the required reply¹ in the form of payment of the Issue Fee and Publication Fee; payment of the petition fee set forth in 37 CFR § 1.17(m); and the required statement of unintentional delay. No terminal disclaimer is required.

It is noted that the required statement of unintentional delay was made by attorney Derrington, who was appointed after the abandonment of the application. It is not fully apparent whether Mr. Derrington was in a position to have firsthand or direct knowledge of the facts and circumstances of the entire

¹ There was no distinct but concurrent requirement for new drawings.

delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

It is concluded that all requirements of 37 CFR 1.137(b) have been met.

The Office of Patent Publication has been advised of this decision. The application is, thereby, forwarded for processing into a patent.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions